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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,314	08/25/2000	Andrej Gregov	249768045US	6403

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EXAMINER	
LEROUX, ETIENNE PIERRE	
ART UNIT	**PAPER NUMBER**
2161	

DATE MAILED: 05/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/648,314	GREGOV ET AL.	
	Examiner	Art Unit	
	Etienne P LeRoux	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 April 2006* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15,16, 27-35 and 40-51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15,16,27-35 and 40-51* is/are rejected.

7)☐ Claim(s) ____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 August 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Claim Status:

Claims 1-14, 17-20, 25, 26 are cancelled. Claims 21-24 and 36-39 are withdrawn. Claims 15, 16 and 27-35 and 40-51 are pending. Claims 15, 16, 27-35 and 40-51 are rejected as detailed below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15, 16, 27-34, 40-43, 45-50 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,616,876 issued to Cluts (hereafter Cluts).

Claims 15, 16, 27-34 and 48 :

Cluts discloses:

receiving requests from the user to display information about each of a plurality of items [Fig 10, step 1005, style tables identify style categories and weightings associated with seed song, col 17, lines 50-60]

selecting as seed items the items the plurality of items [Fig 10, step 1015, identifying other artists who have the same style as the seed song, col 18, lines 5-10]

generating a list of recommended items using the selected seed item [system compiles a list of songs, col 18, lines 45-50]

displaying the generated list of recommended items to the user [Fig 10, step 1025 top 10 songs presented to listener, col 18, lines 50-55]

Claims 40, 42, 46 and 49:

Cluts discloses removing an item from the plurality of items selected as seed items in response to a request from the user [Fig 10, step 1010, position of style slider]

Claims 41 and 47:

Cluts discloses adding an item to the plurality of items selected as seed items i9n response to a request from the user [Fig 10, step 1010, position of style slider]

Claims 43 and 50:

Cluts discloses wherein the control is a button that is selected by the user clicking the button [Fig 5]

Claim 45:

Cluts discloses wherein all of the received requests are received during a distinguished browsing session [col 2, line 5-10]

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 35, 44 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cluts in view of US Pat No 5,897,650 issued to Nakajima et al (hereafter Nakajima), as best examiner is able to ascertain.

Claims 35, 44 and 51:

Cluts discloses the elements of claim 27 as noted above. Cluts fails to disclose wherein the control displayed for a distinguished product group is a draggable portion of the information describing the product group, together with a destination region, and wherein the control displayed for the distinguished product group is selected by the user by dragging the draggable portion of the information describing the product group to the destination region. Nakajima discloses wherein the control displayed for a distinguished product group is a draggable portion of the information describing the product group, together with a destination region, and wherein the control displayed for the distinguished product group is selected by the user by dragging the draggable portion of the information describing the product group to the destination region [Fig 2]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cluts to include wherein the control displayed for a distinguished product group is a draggable portion of the information describing the product group, together with a

destination region, and wherein the control displayed for the distinguished product group is selected by the user by dragging the draggable portion of the information describing the product group to the destination region as taught by Nakajima for the purpose of creating a scrap book via the drag-and-drop mechanism [step 30 in Fig 23]. The skilled artisan would have been motivated to improve the invention of Cluts such that information can be easily inputted and outputted from a document via the drag-and-drop mechanism.

Response to Arguments

Applicant's arguments filed 4/3/2006 have been fully considered but are not persuasive for the following reasons.

Applicant Argues:

Applicant states in the first paragraph of page 10 "Claim[] 15 recites 'selecting as seed items the plurality of browsed items.'"

Examiner Responds:

Examiner is not persuaded. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., selecting as seed items the plurality of browsed items) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant Argues:

Applicant implies in the first paragraph of 10 that Cluts does not disclose "generating a list of recommended items using the selected seed items" per claim 15.

Examiner Responds:

Examiner is not persuaded. Cluts discloses the system compiles a list of songs in column 18, lines 45-50.

Applicant Argues:

Applicant implies in the first paragraph of page 10 that Cluts does not disclose 'a control for selecting products in the group as recommendation seeds' per claim 16.

Examiner Responds:

Examiner is not persuaded. Cluts in Fig 10, step 1010 discloses a style slider which controls selecting products in the group as recommendation seeds.

Applicant Argues:

Applicant implies in the first paragraph of page 10 that Cluts does not disclose "adding to a list of recommendation seeds products in the group" per claim 27.

Examiner Responds:

Examiner is not persuaded. Cluts in Fig 10, step 1010 discloses a style slider which controls selecting products in the group as recommendation seeds.

Applicant Argues:

Applicant states in the second paragraph of page 10 that there is no suggestion or motivation to combine Nakajima with Cluts.

Examiner Responds:

Examiner is not persuaded. The skilled artisan would have been motivated to improve the invention of Cluts such that information can be easily inputted and outputted from a document via the drag-and-drop mechanism as discloses by Nakajima.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday between 8:00 am and 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

5/8/2006